



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 3, 1992

Mr. Jeff Hankins
Legal Assistant, Program Division
Legal Services, 110-1C
Texas Department of Insurance
P. O. Box 149104
Austin, Texas 78714-9104

OR92-447

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16504.

You have received a request for information relating to Republic Bankers Life Insurance Company. Specifically, the requestor seeks "copies of all reports of Supervisor Phillip M. Mathis (or any other successor supervisor) with regard to" the insurance company. You have submitted to us for review two documents relating to the supervision of the insurance company. You claim that these two documents are excepted from required public disclosure by sections 3(a)(3), 3(a)(11), and 3(a)(12) of the Open Records Act.

Section 3(a)(12) of the Open Records Act excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act. [Footnote deleted.]

Open Records Decision No. 158 (1977) at 5-6 held that insurance companies are included within the term "financial institutions" for purposes of section 3(a)(12).

You advise us that the two documents submitted to us for review were prepared by the supervisor appointed by the department and contain information about the financial status of the insurance company in supervision and provide a basis for recommending further action concerning the regulation of the insurance company. The two documents clearly fall within the section 3(a)(12) exception and may be withheld. As we resolve this matter under section 3(a)(12), we need not address the applicability of sections 3(a)(3) and 3(a)(11) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-447.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GCK/lmm

Ref.: ID# 16504
ID# 16568
ID# 16856

cc: Mr. Thomas A. Spieczny
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